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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

CALE MICHAEL VALDEZ,

Petitioner,

v.

THE SUPERIOR COURT OF THE  
COUNTY OF RIVERSIDE,

Respondent;

THE PEOPLE,

Real Party in Interest.

E035717

(Super.Ct.No. RIF115036)

MODIFICATION OF OPINION  
AND DENIAL OF PETITION FOR  
REHEARING

The opinion filed January 7, 2005, is modified as follows:

On page 8, delete the last paragraph of footnote 5 and replace with the following:

“Even assuming that the inference does arise in this case and there is some minimal overlap in evidence, joinder is not required under the totality of facts test. (*People v. Martin, supra*, 111 Cal.App.3d 973, 978.)”

Except for the foregoing modification, the opinion previously filed remains unchanged. This does not effect a change in the judgment.

The petition for rehearing is denied.

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/s/HOLLENHORST  
Acting P.J.

We concur:

/s/RICHLI  
J.

/s/KING  
J.